

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

OP.No. 32186 of 2001(F)

PETITIONERS:

1. N.V. HARI,
AGED 44 YEARS, S/O. LATE MR. UNNI RAVI,
OVERSEER GRADE III, O/O. ASSISTANT ENGINEER,
P.H. SECTION NO.I, CHALAKUDY.
2. T.S. SHAMBERUDEEN,
AGED 38 YEARS, S/O. LATE SHAHUL HAMEED,
OVERSEER GRADE III, O/O. ASSISTANT ENGINEER,
P.H. SECTION NO.I, CHALAKUDY.
3. K.K. SURESH BABU,
AGED 37 YEARS, S/O. KUMARAN K.I.,
OVERSEER GRADE III, O/O. ASSISTANT ENGINEER,
P.H. SECTION NO. II, CHALAKUDY.

**BY ADV. SRI.P.M.MOHAMMED SHIRAZ,
SRI.THOMAS M.JACOB.**

RESPONDENTS:

1. KERALA WATER AUTHORITY,
REPRESENTED BY ITS MANAGING DIRECTOR,
JALA BHAVAN, THIRUVANANTHAPURAM.
2. ASSISTANT EXECUTIVE ENGINEER,
W.S.P - SUB DIVISION,
KERALA WATER AUTHORITY, CHALAKUDY.

O.P. NO. 32186/2001:

3. STATE OF KERALA, REPRESENTED BY SECRETARY
TO GOVERNMENT, IRRIGATION (WSC) DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

BY ADV.SRI.C.UNNIKRISHNAN, SC, KWA,
GOVT. PLEADER.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 21/03/2007, ALONG WITH O.P NO. 22409/2001, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO. 52486/2001 IN O.P. NO. 32186/2001

DISMISSED

21/03/2007.

SD/- KURIAN JOSEPH, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE LETTER NO. OA. 3/99. DT. 22/09/1999 OF KERALA WATER AUTHORITY OVERSEER'S ASSOCIATION.

EXT.P.2: COPY OF THE LETTER NO. RAO/KWA/IR/2-3 DT. 05/02/2001 FROM RESIDENT AUDITOR & RELEVANT EXTRACT THERETO.

EXT.P.3: COPY OF THE ORDER DTD. 14/08/2001 IN C.M.P. NO. 36609/2001 IN O.P. 22409/2001.

EXT.P.4: COPY OF THE CIRCULAR NO. 57/99/FIN. DT. 04/09/1999.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

O.P. NOs. 32186 & 22409 OF 2001

Dated this the 21st day of March, 2007.

J U D G M E N T

The essential grievance raised in these original petitions is that the Overseer Grade-III under the Kerala Water Authority is entitled to a higher scale of pay than Operators, Meter Readers, Plumbers and Lower Division Clerks while granting Time bound Higher Grade Promotion.

2. It is seen from the stand taken by the Kerala Water Authority that the matter was under consideration by the Pay Revision Committee. According to learned counsel for the petitioners, the report of the Pay Revision is under consideration before the Government. This Court had already issued direction to the Kerala Water Authority as per judgment in O.P. No. 7974/1995 to take appropriate action. In the above circumstances, these original petitions are disposed of as follows.

There will be a direction to the Government to look into the representation with regard to the anomaly as referred to above and take appropriate action in accordance with law, as directed in the judgment referred to above to set right the anomaly, if any, with notice to the petitioners herein within a period of three months from date of production of a copy of this judgment.

KURIAN JOSEPH, JUDGE.

smp